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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,265	10/31/2003	John Deryk Waters	300204379-2	9223

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT PAPER NUMBER

2612

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,265	WATERS, JOHN DERYK	
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is in response to Applicant's response filed January 20, 2006. No claims have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. (US Patent No. 6,342,830).

Claims 1-4, 7-10, 17, 18, and 19:

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Want et al. discloses a device, thus, a method for securing a memory tag to an item, the memory tag comprising a memory and a transponder to enable wireless communication with the memory tag, and having an external dimension D , wherein the memory tag is adapted for wireless communication with a transceiver located within a distance of the memory tag. The reference fails to state that the communication distance is only within a distance of $10D$. Nonetheless, the reference appears to implicitly suggest this feature since it suggests a non-overlapping readable region and the distances between the tags as shown in figure 1 are fairly small. Thus, one skilled in the art would have readily recognized that the memory tags in Want are adapted for wireless communication only with transceiver within a distance of $10D$ or less of the memory tag.

Claims 20-22:

Want et al. discloses a device comprising an RFID tag secured to an item, a transceiver for wireless communication with the RFID tag, the RFID tag including a memory and a transponder with an antenna coil, being provided on a single semiconductor chip having an external dimension D , wherein the RFID tag and the transceiver are adapted for wireless communication with a transceiver located within a distance of the memory tag. The reference fails to state that the communication distance is only within a distance of $10D$. Nonetheless, the reference appears to implicitly suggest this feature since it suggests a non-overlapping readable region and the distances between the tags as shown in figure 1 are fairly small. Thus, one skilled in the art would have readily recognized that the memory tags in Want are adapted for wireless communication only with transceiver within a distance of $10D$ or less of the RFID tag.

Claim 5 and 12:

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Each memory tag in Want et al. is an RFID tag in which the transponder includes an antenna coil and all components of the RFID tag, including the antenna coil, are provided on a single semiconductor chip.

Claim 6:

The item in Want includes a document which comprises one or more sheets of paper.

See fig. 1.

Claim 11:

Each memory tag is powered as a result of wireless communication with the transceiver by inductive coupling. Col. 12, lines 16-17.

Claims 13-14:

It is not clear in Want how many turns the antenna coil has. However, it is within the knowledge of a skilled artisan to use an antenna coil with the proper number of turns to achieve the optimal result.

Claims 15-16:

Though the types of memory of the tags are not clearly specified in Want et al., it would have been obvious to one skilled in the art to use any memory device as desired because the function of the tag would not thereby be modified.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2612

Mar 29, 06